

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claim 13 is presently active; Claims 1-11 were previously canceled without prejudice, Claim 12 has been presently canceled without prejudice, and Claim 13 has been presently amended.

In the outstanding Office Action, a cross reference statement was suggested for inclusion in the specification. The title of the specification was objected to for not being descriptive. Claims 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Segawa et al (U.S. Pat. No. 6,603,172) in view of Yu (U.S. Pat. No. 6,194,748). Claim 13 was rejected under 35 U.S.C. § 102(b) as being anticipated by Wada (U.S. Pat. No. 5,859,466)).

Regarding changes to the specification, the title has been amended to be more descriptive. Thus, it is respectfully submitted that the objection to the title has been overcome. Furthermore, a cross reference statement was added as suggested.

Regarding independent Claim 13, Claim 13 has been amended to define that an opening is formed by selectively removing the interlayer dielectric film between the gate electrode and the conductors, and a material does not exist in the opening.¹ Wada, asserted in the Office Action as teaching an interlayer dielectric film 13 formed except for a region between the gate electrode 4 and the conductors 16 and 17 (portions formed within the openings),² has material existing everywhere between the gate electrode 4 and the conductors 16 and 17 and does not disclose or suggest a region between the gate electrode and the conductors in which no material exists, as defined in Claim 13.

Thus, it is respectfully submitted that independent Claims 12 and 13 and the claims dependent therefrom patentably define over the applied references.

¹ Specification, page 26, lines 23-24.

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Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

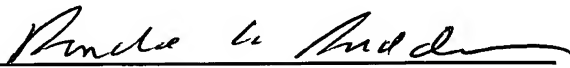
Respectfully submitted,

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² Office Action, page 3, lines 24-26.